



THE UNIVERSITY *of* EDINBURGH

## Edinburgh Research Explorer

### **'Living Rights', rights claims, performative citizenship and young people – the right to vote in the Scottish independence referendum**

#### **Citation for published version:**

Sanghera, G, Botterill, K, Hopkins, P & Arshad, R 2018, "Living Rights', rights claims, performative citizenship and young people – the right to vote in the Scottish independence referendum', *Citizenship Studies*, vol. 22, no. 5, pp. 540-555. <https://doi.org/10.1080/13621025.2018.1484076>

#### **Digital Object Identifier (DOI):**

[10.1080/13621025.2018.1484076](https://doi.org/10.1080/13621025.2018.1484076)

#### **Link:**

[Link to publication record in Edinburgh Research Explorer](#)

#### **Document Version:**

Publisher's PDF, also known as Version of record

#### **Published In:**

Citizenship Studies

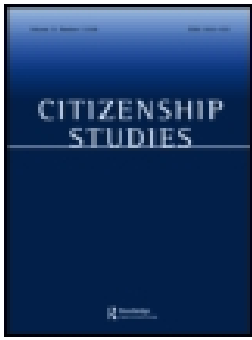
#### **General rights**

Copyright for the publications made accessible via the Edinburgh Research Explorer is retained by the author(s) and / or other copyright owners and it is a condition of accessing these publications that users recognise and abide by the legal requirements associated with these rights.

#### **Take down policy**

The University of Edinburgh has made every reasonable effort to ensure that Edinburgh Research Explorer content complies with UK legislation. If you believe that the public display of this file breaches copyright please contact [openaccess@ed.ac.uk](mailto:openaccess@ed.ac.uk) providing details, and we will remove access to the work immediately and investigate your claim.





## 'Living Rights', rights claims, performative citizenship and young people – the right to vote in the Scottish independence referendum

Gurchathen Sanghera, Katherine Botterill, Peter Hopkins & Rowena Arshad

To cite this article: Gurchathen Sanghera, Katherine Botterill, Peter Hopkins & Rowena Arshad (2018): 'Living Rights', rights claims, performative citizenship and young people – the right to vote in the Scottish independence referendum, *Citizenship Studies*, DOI: [10.1080/13621025.2018.1484076](https://doi.org/10.1080/13621025.2018.1484076)

To link to this article: <https://doi.org/10.1080/13621025.2018.1484076>



© 2018 Informa UK Limited, trading as Taylor & Francis Group



Published online: 18 Jun 2018.



Submit your article to this journal [↗](#)



View related articles [↗](#)



View Crossmark data [↗](#)



# 'Living Rights', rights claims, performative citizenship and young people – the right to vote in the Scottish independence referendum

Gurchathen Sanghera<sup>a</sup>, Katherine Botterill<sup>b</sup>, Peter Hopkins<sup>c</sup> and Rowena Arshad<sup>d</sup>

<sup>a</sup>School of International Relations, University of St Andrews, St Andrews, Scotland, UK; <sup>b</sup>School of Life, Sport and Social Sciences, Edinburgh Napier University, Edinburgh, Scotland, UK; <sup>c</sup>School of Geography, Politics and Sociology, Newcastle University, Newcastle upon Tyne, UK; <sup>d</sup>School of Education, Moray House, University of Edinburgh, Edinburgh, Scotland, UK

## ABSTRACT

This paper examines the rights claims-making that young people engaged in during the 2014 Scottish independence referendum when the right to vote was extended to 16- and 17-year-olds for the first time in the UK. Understanding citizenship and rights claims-making as performative, we draw on the novel idea of 'living rights' to explore how young people 'shape what these rights are – and become – in the social world'. They are co-existent and situated within the everyday lives of young people, and transcend the traditional idea that rights are merely those that are enshrined in domestic and/or international law. We explore the complex and contested nature of rights claims that were made by young people as 'active citizens' in the lead up to the referendum to illustrate how the rights claims-making by young people is bound up with the performativity of citizenship that entails identity construction, political subjectivity (that challenges adult-centric approaches) and social justice.

## ARTICLE HISTORY

Received 22 June 2017  
Accepted 30 May 2018

## KEYWORDS

Citizenship; claims-making;  
living rights; performativity;  
referendum; right to vote

## Introduction

The 2014 Scottish referendum saw the right to vote being extended for the first time in the UK to all 16- and 17-year-olds. This broadening of the franchise was significant, because it meant that young people's voices were brought to the fore during the independence debate as rights-bearing citizens in their own right.<sup>1</sup> Subsequently, 16- and 17-year-olds in Scotland have been given the right to vote in all local and national Scottish elections. Our aim is to examine the rights claims-making that young people, as 'active citizens' who learn 'through everyday experiences of family and community life, education, civic and political awareness' (Theis 2010, 346), engaged in during the lead up to the referendum. Rights claims-making is understood in terms of performativity, practice and what rights *do*, rather than more traditional concerns of what rights are, how rights constrain and act as 'trumps' (Zivi 2012). Similarly, rights are fundamental to citizenship, which is practised both with the enacting of rights *and* by claiming them

(Isin 2017; Lister 2007; Theis 2010). We use the ideas of rights claims-making and citizenship as performativity and practice, together with the concept of 'living rights' to explore how young people 'shape what these rights are – and become – in the social world' (Hanson and Nieuwenhuys 2013, 6). Living rights have meaning in and relevance to the social reality in which young people find themselves and are intricately entwined with social practices and relations. The notion of living rights is significant for a number of reasons. First, living rights transcend traditional understandings of rights as merely those enshrined in either domestic and/or international law (e.g. the United Nations Convention on the Rights of the Child (UNCRC) 1989), as the focus is on those rights which have relevance to and meaning in people's everyday lives and practices – and hence may not be officially recognised. Second, whilst Hanson and Nieuwenhuys (2013) apply the living rights idea to the developing world, because of its precarious human rights histories, we contend that it is equally relevant to understanding rights claims made in the developed world. It is important to move beyond such dichotomous accounts of human rights – that is between those who have them and those who do not – because the struggle over rights is just as pertinent in the global North, where there seems to be backlash against rights and 'non-citizens' (e.g. with the election of Donald Trump in the US, the UK's BREXIT decision), as it is in the South. Third, the growing political hostility and ambivalence towards human rights in the UK, especially towards the Human Rights Act (1989), makes the idea of living rights even more relevant.

The commitment to hold a referendum on Scottish independence came about in 2011 when the Scottish National Party (SNP), led by Alex Salmond, was elected with an overall majority – 69 seats out of 129 – in the Scottish parliamentary elections and made this pledge in its manifesto. As a result, in 2012 the Scottish government launched a public consultation about what the remit of the referendum ought to be, and this included a question (number 7) about the extension of the franchise to include 16- and 17-year-olds (SPICe 2013). Amongst the 30,219 responses to the consultation, 24,777 respondents commented on this issue, with 56% in the main agreeing with the proposal, 41% not agreeing, and the remaining expressing mixed or unclear views. Responses were also sought from 11 organisations that are either run by, or work with, young people, 10 of which supported the proposal to extend the right to vote to 16- and 17-year-olds (Griesbach et al. 2012). Whilst critics saw the proposal as being politically motivated, because it was assumed that 16- and 17-year-olds favoured iconoclastic parties of the left and therefore would be more inclined to vote SNP (Eichhorn 2014), for the SNP it was another step in creating a 'new Scotland' that was modern, progressive, fair and inclusive, and which included young people (Leith 2008). By the registration deadline, 109,593 16- and 17-year-olds were registered to vote (Electoral Commission 2014). Participation among 16- and 17-year-olds was 75%, which was much higher than the 54% among 18- to 24-year-olds (The Economist 2015).

Whilst this paper provides important insights into the referendum, it also extends beyond this by exploring the idea of living rights and contributing to contemporary debates about the complexities of rights claims-making and performative citizenship, and the participation of young people in politics. First, we discuss what we mean by citizenship as performative or practice, rights claims-making and the idea of children as citizens. Second, the concept of 'living rights' and its potential utility are explored.

Third, the background to the research and the methodology that was adopted are discussed. Finally, we draw on empirical research to examine the types of claims and counter-claims young people made in relation to the right to vote during the lead up to the referendum to demonstrate how rights-claims are negotiated and practiced by young people.

### Performative citizenship, making rights claims and young people

First, making rights claims is about the performativity or practice of citizenship (Isin 2017). Moving beyond traditional (legal and constitutional) definitions and conceptualisations (e.g. Marshall's 1992 classic observations) where citizenship is in the main understood narrowly as rights and obligations with respect to a state, citizenship can be understood as 'an on-going process, a social practice, and a cultural performance rather than a static category. It entails complex and often contradictory struggles over definition of social membership, over the categories and practices of inclusion and exclusion, and over different forms of participation in public life' (Berdahl 2005, 236–237). As with living rights, the practise of citizenship is situated within everyday practices of belonging that are constantly negotiated and entail the claiming of rights and not just the exercising of rights (Isin 2017; Lister 2007; Theis 2010; Zivi 2012). Isin (2017, 501) outlines five distinct overlapping aspects to performative citizenship: citizenship involves political and social struggles over who may or may not act as a subject; these struggles feature not only citizens but also non-citizens as relational actors; citizens and non-citizens include different social groups making rights claims; people enact citizenship by exercising, claiming and performing rights and duties; and when people enact citizenship they creatively transform its meanings and functions. Importantly, Isin (2017) argues that performative citizenship involves, first, the exercising of a right (particular or universal). The content and scope of the right are not determined by how it is performed per se. Rather, in some instances, it may confirm rather than contest the right being claimed. Second, the performance of citizenship through the claiming of a right requires struggle. However, importantly, struggle is not guaranteed to always be transformative.

Second, we understand rights claims-making in terms of performativity and social practice. Drawing on speech act theory (e.g. J.L. Austin, Derrida, Cavell and Butler) and the idea that 'speech' is not a noun but a verb, Zivi (2012) explores the linguistic performativity of rights-claims making that are understood to be contextual, bound up in the identity and political intersubjectivities of those making the claims. Rather than the focus being on what rights *are*, it is on what they *do* as social and political practices, as rights claims-making involves multiple behaviours: 'presenting, debating and contesting opinions or perspectives' (Zivi 2012, 51). Rights claims-making is understood as a practice of persuasion, 'as perspectival claims that also acknowledge the perspective of others and their capacities to make judgements'. This allows for contestation and creativity – rather than absolute truths (Zivi 2012, 67). Consequently, outcomes of these rights claims-making activities are unpredictable. A single rights claim entails a multitude of acts and effects; these can be ambiguous and contradictory at times and may have broader implications that go beyond the initial rights claim (Zivi 2012, 19). Zivi (2012, 67) describes this as the 'paradox of rights': whilst rights are often deployed

instrumentally to end debate and identify secure winners, it is often the case that they are uncontrollable and lead to a variety of on-going political engagements.

Third, historically, citizenship has been used to exclude children and young people as full members of the state, although this exclusion has been rather arbitrary – children can hold the legal status of citizens (i.e. a right to a passport) but not the right to vote (Lister 2007, 695; Lister et al. 2003). Whilst we acknowledge that citizenship generally goes beyond the rights to vote, children have not been accorded the right to vote on the grounds that they supposedly are ‘incomplete’ and lack the necessary capacities for rationality and reason. Rather problematically, children have come to be understood in terms of their ‘vulnerability, weakness, dependence, ignorance [and] passivity’, rather than members of a self-governing community (Archard 1993; Archard and MacLeod 2002, 2). Such representations have come to undergird Western conceptualisations of children and childhood (Aries 1962). Therefore, children have been understood in terms of ‘becoming’ rather than ‘being’ citizens of the state (Coady 2008) or ‘citizens-in-waiting’ or ‘learner citizens’ (Lister 2007, 696). Stasiulis (2002, 511) argues that such an ‘understanding of childhood has profoundly shaped and limited the recognition of children’s citizenship rights, especially their right to be active and participating members of society’. In contrast to the respectable economic independence model of citizenship, Smith et al. (2007, 436) demonstrate how young people often understand citizenship in terms of the ‘socially constructive citizen’ where ‘taking an a constructive approach towards community, ranging from the more passive abiding by the law to the more proactive people and having a positive impact’ are emphasised.

So, drawing on the preceding discussion, rights claims made by young people and some adults for the right to vote for 16- and 17-year-olds in Scotland can be understood in terms of the performativity of citizenship. This entailed questioning the arbitrariness of the age boundaries (as current legislation defines adults as those people aged 18 years of age and over) and simultaneously emphasised the importance of involving young people in the democratic processes. Therefore, making rights-based claims for the extension of the right to vote for 16- and 17-year-olds in Scotland in *all* UK (nationwide) elections, including the recent 2016 European Union referendum. In doing so, they highlighted the discrepancies in voting ages between Scotland and the rest of the UK. Moreover, young people called into question adult–young people relations, the adult-centric nature of society, and illustrated young people as citizen-subjects. The political and social struggles extended beyond the claim to have a right to vote to an examination of what it means for young people to be ‘full citizens’ in society and which types of structures and relations of power would have to be challenged, particularly those tied to dominant constructions of childhood. The fact that discourses of protection have been foregrounded over autonomy ones has meant that young people have been denied certain adult political rights (e.g. the right to vote). Consequently, young people are often unable to have ‘liveable lives’ that allow them to overcome traditional, pro status quo conventions (e.g. declarations, proclamations, protocols, etc.) (Isin 2017, 507). For instance, the right to vote in the referendum was discussed as a source of inter-generational conflict and making counter-claims against the stereotyping of young people as politically naïve:

My dad was a bit like oh, I don't think that 16 year olds should, should have the vote, they're too young. But then I was like well, everybody that I've talked to, and even those who aren't 16 yet...they all had really, really good arguments as to why they were on the side that they were...I think the stereotype that's pinned to teenagers is they don't care about politics, they don't care about what's run, all they care about is themselves and their phone and whatever. I don't think that's true cause, you know, like a lot of people that I spoke to were really, really, really involved in it. (Female, 16–18, White Scottish, Edinburgh)

We found that for many young people having the right to vote was seen to be important for having a positive impact in their community and more widely in Scotland. Indeed, it was to seen to be indicative of being Scottish.

### Living rights and young people

Building on the preceding discussion, we want to explore rights-based claims made by young people through the lens of 'living rights'. Hanson and Nieuwenhuys (2013, 6) develop the idea of living rights as part of a broader conceptual framework that is dynamic and receptive to the everyday lives of primarily young people, which also includes 'social justice' (the shared normative beliefs that legitimate particular rights claims made by those struggling for them) and 'translations' (the disparate beliefs and practices about rights and their codification):

'[...] all social practices that are conventionally identified as rights might be understood as "living rights". They are living through active and creative interpretations, association and framing of what constitutes in a given context a child's rights in people's hearts and minds. In this sense, children's and communities' understanding of rights are equally "living" as the interpretations of experts and agencies acting on children's behalf.'

Hitherto, there has been a small literature on living rights that draws on experiences from the 'developing' world. We discern three key themes from this literature. First, the notion of 'living' comes from it being a bottom-up approach to rights where young people, among other people, are understood to be active participants in shaping and giving meaning to rights that are considered to be relevant to and situated in their everyday practices (see Balagopalan 2013; Henderson 2013). Second, living rights put the social realities of young people at the centre of rights debates, because the rights claims are made in specific contexts and are informed by sociality (see Mizen and Ofosu-Kusi 2013). Third, young people can make rights-based claims that are not ordinarily formally recognised, or are considered to be too controversial in a given society (see O'Neill 2013).

There are a number of conceptual synergies between the living rights and the performativity of rights-based claims and citizenship as practice literatures. First, the idea of living rights does not eschew the importance of rights; rather, it illustrates how the language of rights crosses and is reworked in different contexts. Rights are not reproduced exactly in different contexts; the process is far more complex. Benhabib (2009) argues that 'democratic iterations' of rights, which entail 'processes of local contextualization, interpretation, and vernacularization', ensure that they migrate across borders and are debated, contested and contextualised by various social actors.



Second, living rights emphasize the sociality of claims-making in terms of how young people's relationships are based on connectedness, group belonging and identity (e.g. Rowse 2011), shared intentions, actions and beliefs (e.g. Bookman 2014), and memory, historicity and other particular shared social imaginaries. Sociality illustrates how complex, yet, at times, mundane, everyday social interactions, practices and relations (i.e. activities, events, rituals, etc.) can be bound up in rights claims-making and citizenship (Berdahl 2005; Isin 2017; Zivi 2012).

Third, young people are active citizen-subjects and rights holders, not solely objects requiring intervention for their own best interests. Young people may claim rights that are seen to be less controversial, such as a right to safe spaces where they can socialise and congregate, to care and well-being, and to a healthy environment, or what may be considered to be more controversial rights (e.g. political rights to vote). Such examples of claims-making can be understood as citizenship as social practice.

Consequently, whilst they are not formally recognised, living rights have relevance and significance in the context in which rights claims arise. They are reproduced and vernacularised through everyday interactions/relations and practices, and are simultaneously being open to contestation, negotiation and transformation. Sociality, in terms of beliefs, intentions and actions, is pivotal, in terms of how young people (along with adults) work together to develop shared imaginaries that are then translated into rights claims and citizenship. Rights claims-making is an important relational performative practice, because it allows for the potential construction of new political subjectivities through debate and discourse (Zivi 2012, 67).

We, therefore, understand the right to vote for 16- and 17-year-olds in Scotland as a living right for four reasons. First, because of its *infancy*. It is a new right that was given to young people, yet remains widely debated and contested in terms of who is included and excluded, including by young people themselves. Second, because of its *temporality*. It was not meant to be a permanent right, as most rights are. Rather it was meant only to be granted for the independence referendum and then to be removed – thus providing temporal political citizenship to young people. Third, its *spatiality*; the right to vote does not extend to all young people in the rest of the UK, nor to all elections – only local and national Scottish elections. Fourth, living rights emphasise *sociality*. When making rights claims, young people were performing and practising particular forms of citizenships that were inseparable from the material world that they live in, identity construction and values related to, for example, social justice. Young people in our research acknowledged how Scotland has made important progress on rights and citizenship issues since devolution in 1998, particularly in comparison with England. For example, the Scottish Commission for Human Rights Act (2006) set-up the Scottish Human Rights Commission as a statutory body to promote and protect human rights, the Scottish Youth Parliament was established in 1999 to represent young people, and in 2007 the post of Minister for Children and Young People was created in the Scottish government. This provides an important contextual background within which young people claimed the right to vote and citizenship. It was seen by some to be an inevitable outcome of the progress that had been made up to then in Scotland on such matters.



## The research

The paper draws on data from an AHRC-funded project that examines the experiences of young people from minority ethnic and religious backgrounds growing up in urban, suburban and rural Scotland. Overall, 382 young people (aged between 12 and 26) participated in the research during 2013 and 2014. Some 45 focus group and 223 interviews were conducted. Our respondent sample was divided into six groups: Muslim; South Asian non-Muslim (e.g. Sikhs, Hindus, etc.) and Black African and Caribbean; asylum seekers and refugees; international students; migrants from Central and Eastern Europe; and White Scottish young people. Respondents were recruited through a process of snowballing, whereby initial contacts with schools, colleges, universities, religious groups, and community and voluntary organisations were then used to assist the team in identifying young people who might be interested in participating in the research. The interviews were fully transcribed, coded using NVivo software and analysed manually in further depth.

In terms of our sample, we would stress the following. First, as the paper is based on a particular sample, not all of the interview data, it is not our intention to make generalisations about the views and political engagement of all young people in Scotland; indeed, this is not the point of qualitative research. Instead, our aim is to broaden current understandings about the political subjectivities of young people by exploring the complexities of how young people made rights-based claims during the referendum period. Second, our findings are situated in the sense that the data were gathered at a particular time and in a specific space. Third, interviews can shed light on individual perspective and make social structures and collective processes available through individual narratives. Narratives are never ‘exact’ and ‘direct accounts’; they are discursively constructed and contextual.

## The right to vote in the Scottish referendum

### *The right to vote as social justice*

Whilst child liberationists and children’s rights activists have long contested the idea that children lack the competence to have rights, the issue of competence was raised in the 2012 referendum consultation. For critics of the extension of the vote for the referendum, the maturity of young people and influence of peers or family members, their lack of civic engagement and their disconnection from formal politics have been used as explanations of the low turnout of young people in general elections (Henn and Foard 2012; Kimberlee 2002; Pattie, Seyd, and Whiteley 2004) and in-turn why they should not have the right to vote. In addition, young people are seen to be dissatisfied with, and alienated from, traditional party politics (Henn, Weinstein, and Forrest 2005). Yet, in his research on the political attitudes of under 18-year-old Scots, Eichhorn (2013, 1) found that ‘young people in Scotland do not appear to be any less interested in politics than the overall population, though they are much less likely to identify with a political party’.

Many young people in our research made normative claims to justify their roles as citizens. Such claims centred on how Scotland and Scots are more respectful of social justice, equality, freedoms and human rights, hence why the right to vote was

extended to young people. For example, young respondents talked about how Scotland has been at the forefront of particular human rights-related struggles (e.g. free higher and tertiary education, free prescriptions and gay marriage). Much of this spatial discussion was in relation to England, Scotland was perceived to be far more just and egalitarian than England and the extension of the right to vote was seen to be indicative of this:

‘There is quite a big difference between England and Scotland, and I think the fact that if we could control our own taxes [with independence], then we could try and get people out of poverty...we could help immigration, because at the moment Westminster don’t want that to happen. Whereas it should happen, because the people coming to this country add value to it and bring, like, skills with them.’ (Female, mixed focus group, 16–18, Edinburgh)

For young people in our research, the right to vote potentially meant that deep-seated local issues (e.g. socio-economic) might be addressed, which otherwise were more likely to remain ignored. The fact that they could inform decision-making processes with the right to vote was understood to be an important step in this respect. This demonstrates that young people are more than ‘citizens in waiting’ and that by engaging in politics, having opinions about it and understanding how they are integral to Scotland’s future, can be understood as performative citizenship. Similarly, Breeze et al. (2015, 429) found, ‘the young people [they] interviewed offer more grounded and hopeful accounts [...] inspired not by “raving” or “romantic” nationalism, but by a desire for a just and equal Scotland’.

Obviously, the extent to which such representations of Scotland are accurate remains widely debated (Morton 2011). The Social Mobility and Child Poverty Commission (2015) found that ‘the top of Scottish society is significantly unrepresentative of the Scottish population – though less so than the top of British society’. The report outlines the ‘glass ceiling’ that those from less advantaged backgrounds encounter, which prevents them from progressing to the top of their chosen fields (Social Mobility and Child Poverty Commission 2015, 1).

Similar to what Lister et al. (2003, 238) describe as the ‘constructive social participation’ model of citizenship, many of our young respondents recognised the responsibility that came with having the right to vote, especially as the referendum was seen to be about influencing what Scotland’s future should look like. They were especially aware that this vote would impact on *their* future prospects. Young people talked about how they would have to live with the consequences of the outcome of the referendum for much longer than adult voters, and therefore it was their responsibility to make ‘the right choice’, as one Dumfries respondent argued: ‘Should these 80 year olds be voting for your future? I would lower the age even lower than 16’ (Female, 16–18, White). This is why many young people strongly believed that they should have the right to vote:

‘It shows the development of society, like they are relying on younger minds as well. Not just people who are older.’ (Male, 16–18, Pakistani Muslim, East Renfrewshire)

‘At the end of the day, we are basically going to be the future people that are in Scotland, so I think it is important for young people to have a say in the future of our country I think.’ (Male, 16–18, Pakistani Muslim, East Renfrewshire)

These respondents illustrate that the right to vote was seen by young people as young people making decisions about their future because it would impact on them the most.

In terms of performativity or practice, respondents in our research made claims to having the same rights, needs and interests as adults and often made these claims in terms of how they were best served by permanently extending the right to include them as citizens. Consequently, in some instances, it was about persuading and emphasising the similarities between adults and young people in order to highlight the injustices of the extant political community that was not extended to young people. Similar to Lister et al. (2003), who highlight how some young people link economic independence with being a citizen, some of our respondents highlighted the contradiction between young people assuming so-called adult responsibilities, such as paying taxes and national insurance, and being able to join the armed forces, yet being denied the right to vote:

‘16 is the age that you start, if you’re working, if you pay National Insurance, you pay tax. If you have the legal obligation and responsibilities of an adult you should have the right to decide who’s making your future’. (Female, mixed focus group, 12–15, Dumfries).

‘Well, I was paying tax at 17, the national insurance. Legally you’re an adult at 16. You have the responsibility of an adult, if some people who are 16 to 17 are getting taxed or charged by the state, they have the right...to decide how that money is spent, and who’s in power... If they are expected to have an adult’s responsibilities, they should have the same rights that come with that, especially when I think that, in many ways, they’re [16- and 17-year-olds] more switched on than the older generations.’ (Male, White Scottish, 19–21, Dumfries)

By assuming such responsibilities, young people made the case that they should have the right to vote permanently. Importantly, the issues that young people were interested in during the referendum are not dissimilar to those that seem to be central in the wider public more generally – such as the impact on the Scottish economy and job security; membership of the European Union and United Nations; continued access to free education and free medical prescriptions; and whether, as a small nation Scotland, can compete globally, economically and politically. The Scottish context is key to young people’s performativity, and how the sociality of rights claims and the ways in which the language of rights is used is situated in this context.

The decision to extend the right to vote to 16- and 17-year-olds was also met with counter-claims from young people themselves to either reduce it further or to keep it at 18. For instance, in some focus groups 16-year-olds argued that 14- and 15-year-olds should not be allowed to vote either, while some 15-year-olds in the focus group were annoyed as they were in the same class as those allowed to vote. Consequently, it was not just adults who opposed the right to vote for young people; rather, some young people also mobilised the ‘competence’ discourse to deny the extension of formal citizenship to peers. At the same time, they contested their own rights, absenting themselves from the political process to resist incorporation into formal mechanisms of participation:

‘Sometimes they won’t be sensible, sometimes they will drinking. But there are quite a lot of 16- and 17-year-olds, they might do like stupid votes and stuff’. (Male, 12–15, White Scottish focus group, Glasgow)

'I think they have done it tactically because they think that a lot of 16–17 year olds will be very patriotic, and say "oh independence! Oh independence!" and they will vote for independence'. (Male, 16–18, White Scottish focus group, Glasgow)

'...they might go for what a friend votes for or what their parents are voting for'. (Female, 12–15, Sikh focus group, East Renfrewshire)

These extracts illustrate that securing and using the right to vote is a complex and contradictory negotiation for young people. With respect to living rights, young people were also actively engaging in and interpreting whether young people ought to have the right to vote and the contested boundaries of citizenship. For some, the emancipatory potential of the right to vote is lauded and expected, for others it is an unwelcome responsibility. As such, the right to vote was fraught with contestation across and within generations, because as a living right it unsettled conventional understandings of who should and should not have the right to vote and whether young people were entitled to be recognised as citizens. For example, some young people were suspicious about the perceived political motivations behind the extension of the vote:

'He [Alex Salmond] came [to the mosque] right before the election. Ironically enough, hearing him speak almost made me a No voter...he was very vague and you can tell that he was just rowing for the immigrant vote...'. (Female, 16–18, Muslim, Inverness)

'I think the right to vote is a bit of a plan to get more votes for Yes but I don't know if that's necessarily worked to their advantage. Cause a lot of people just say what their parents are saying'. (Female, white Scottish, 16–18, East Renfrewshire)

Some respondents were convinced that the SNP's decision to extend the right to vote to young people was a case of political opportunism. It was seen to be less about a genuine concern to grant young people citizenship and more about furthering the SNP's political ambitions (i.e. winning the referendum).

### *Sites of performative citizenship*

Rights claims made by young people were socially contingent and involved particular socialities. Social relations established in the lead up to the referendum were built with peers and others who shared similar views and concerns about the referendum, its outcome and the importance of young people having the right to vote. Indeed, such social relations allowed young people to gather and share information often in the absence of more formal channels of participation. Like Eichhorn (2014), we also found that, whilst young people were certainly interested in the referendum, they did not necessarily associate with or have close affinities to the national political parties and sought alternative ways of engaging with politics.

Political engagements were frequently facilitated by social networking platforms, which created the potential for new forms of sociality that were less bound by place and across social status and age. Indeed, such technologies were used for the performativity of citizenship. Many of our respondents received information about the referendum from mainstream media (print and broadcast), the Internet and various social media platforms (e.g. *Facebook*, *Twitter*) and they often used these platforms to share it with their acquaintances, friends and family. This in turn

assisted the creation of social capital (i.e. informal networks and connections of people who share similar norms, values and beliefs) that for some respondents informed the democratic processes (Morrow 1991, 2001). In particular, socialities (digital and non-digital) emerged among young people that related to other people's attitudes, so that the right to political participation needed to be continually affirmed in the context of normative judgements about young people's lack of competence, as played out in different spatial and social contexts – e.g. at the voting booth, online, playgrounds, school, etc.

For example, a male respondent talked about how young people discussed on Twitter and Facebook the ways in which the BBC was seen to be pro-Union:

'[During] the Scottish independence debate... there was a BBC reporter, Nick [Robinson]... at a conference, he asked a couple of questions to Alex Salmond, who then spent around 10 minutes answering them, and there was a 37-second news... clip in which he said that "he didn't answer"... it was very Unionist... all over Facebook and Twitter this got pulled up and everyone got to point and laugh at him [Nick Robinson, BBC news reporter] for being an idiot. I don't think the older generation would necessarily be able to see that or click onto that, because they're not online. So, I think the way information's more public, in some ways they're more clued up.' (Male, 16–18, White Scottish, Edinburgh)

This respondent outlines how young people during the referendum engaged in politics away from traditional methods, using modern technology and social networking sites. In the interviews, young people discussed how this often meant that they were able to share opinions and views about independence debate over social media. Such forms of online socialities, or social media as sites of performative citizenship, are important because there was a perception among some young people of the absence of formal spaces to debate politics (e.g. at school). A respondent observed:

'It was actually quite interesting to see people involved in politics so much.... We were going to do something in the hall where the school is split in two and what you'd think of the Independence, just shout at the other end. But I don't think it was done in the end. It was just in classes between friends.' (Male, 16–18, White Polish, Highlands)

In fact, some local authorities warned teachers not to offer personal opinions, but to engage in fair and balanced discussions, and issued guidelines on how to discuss the referendum with their pupils.<sup>2</sup> Consequently, the right to vote can be understood as living because young people were creating and mobilising relationships to actively interpret the significance of having the right to vote. This was often done in terms of what it meant for them and their communities (including peers).

During the referendum, young people were able to use their sociality and social capital to make rational and incredibly sophisticated choices as citizens. We found that young people often relied on specific forms of social capital and relationships to educate one another about the pros and cons of the referendum and how it might impact on their lives. Importantly, many young people saw themselves engaged in a struggle to protect this newly assigned 'citizenship' in the long term. They knew that the right to vote was temporary for the referendum, yet believed that there was a possibility to protect it permanently by, for example, demonstrating to adults remarkable levels of civic and political engagement during the referendum.

### *Reflections on the act of voting*

Performativity was also demonstrated in young people's reflections on having the right to vote. The referendum proved to be an important catalyst for young people to become involved in politics. Respondents talked about how they had become more knowledgeable about politics because they knew that they would be actively participating in the democratic process, rather than being mere subjects of its outcomes, and wanted to ensure that they were fully informed about the debates. Yet, one respondent claimed that the tone of the referendum debate did not necessarily encourage youth engagement:

'Young people do want to take part, it is just making sure they know how to do that, and the are informed about how to do that. . . And the second thing would be about the tone of the debate. . . I heard someone describe it recently as a classic election or general election, or Holyrood election or whatever, and it was kind of a party thing. And that worries me. . . they are having a great debate and going full throttle at it, but I just worry that a lot of people. . . [are] not being disinterested or missing out on the debate. And that has long-term consequences'. (Male, 19–22, Muslim, East Renfrewshire)

That said, a large proportion of our respondents in the run up to referendum indicated that they intended to vote and, of those who participated in the research after the referendum, the majority said that they had indeed voted. For instance, one respondent said:

'I will be honest, like, before the, the referendum I had absolutely no clue about anything to do with politics. . . then the government were like, yeah, okay, we're going to give 16-year-olds a vote. . . I was given the opportunity to, have a really big say in, like, a huge decision for the country, so that really, you know, kind of got my interest.' (Male, 16–18, White Scottish, Edinburgh)

This respondent refers to the right to vote as an 'opportunity' that 'got my interest'. This illustrates how, in its infancy, the right was being mobilised and affected his level of engagement in politics – it is an active and social process. Similarly, a respondent from Edinburgh saw the referendum as a politically energising moment for youth agency:

'I think it was amazing to see young people so involved in politics because I'm involved in politics myself. Like I would say I like to keep myself involved but I never realised that it was to such a great extent that everyone was so involved. It was incredible. I think that's what was so good about the referendum that everyone kinda was like, "yeah politics isn't for other people, it's for me and I can make my own decisions and I can say how I feel". I think that was really amazing'. (Female, 16–18, white Scottish, Edinburgh)

Subsequently, there has been the 'referendum effect' with young people, whereby they are seen to be more engaged in politics and practising citizenship because of the independence vote (Breeze et al. 2017; McLaverty et al. 2015). However, the extent to which this sustained is yet to be seen.

Respondents had different experiences as first-time voters, with some celebrating the opportunity to mark the ballot sheet, while for others there was a sense that the vote for 16- and 17-year-olds was, in fact, way overdue and nothing extraordinary in the twenty-first century. The right to vote was socially and politically relevant to them and their lives. In terms of the former, a respondent stated:

'Yeah, when I came out of the polling station the guy, he was like, "have you voted in there?" I was like "yeah", he was like "so how does it feel?" I was like "yeah it feels really, really good. . . So I had a positive experience.' (Female, mixed focus group, 14–15, Edinburgh)



For others, the positivity of these experiences was undermined by the attitudes of others. Some young people felt that adults, for example, treated them indifferently at the polling station, as this female respondent reflects:

'It was supposed to be a liberating experience, but the way the news treated us and adults treated us it was, like, when I went into the voting station I felt so inferior, like, it was, I felt like all the adults, like, they were "Oh look at her, 16-year-old, she gets to decide the fate of our country". I just felt so undermined as well, like, the news, the way they talked about us, they made us, like, sound like delinquents who were voting because, I don't know, a celebrity told us to, sort of thing. We're, like, we're so interested in Sky News, the amount of debates we've had in school and stuff, like, we're so undermined, like, by the media and a lot of people who just didn't agree with 16-year-olds having votes. . . ' (Female, mixed focus group, 16–18, Edinburgh)

This respondent highlights how the experience of voting was mired by what they perceived to be disdain from some adults at the polling station and how the media also seemed also to oppose 16-year-olds having the right to vote in the referendum. Another female respondent also reflected on this:

'So when I walked in [into the polling station] everyone just kind of looked at me like so obviously. . . they were, like, "Oh young person, our country's in the fate of her mind" sort of thing. It was really bad, 'cos I walked in, I've never voted before and I went to the wrong table looking for my address and they were, like, "No, you're over there". And they were so kind of rude about it.' (Female, white Scottish, 16–18, Edinburgh)

Crucially, having the right to vote awakened a political voice for some young people, a voice that perhaps was latent but never fully expressed. Others, who, for example, engaged in local community-based activities, were more comfortable in expressing political opinions anyway, so having a formal right influenced their sense of political agency less.

Subsequently, on 18 June 2015, the right to vote in Scottish elections was extended to 16- and 17-year-olds by MSPs. Supported by the SNP government, the Scottish Election (Reduction of Voting Age) Bill lowered the voting age – 86 MSPs across parties voted in favour of the bill and eight against. Yet, on the same day in Westminster (London), an amendment to the EU referendum bill that would have permitted anyone 16 and over to vote was rejected – with 310–265 MPs voting against the proposal. Consequently, in this respect, the right to vote remains a living right for young people in the sense that current provision falls well short of including young people in national democratic processes: that is, in UK-wide elections and the recent European referendum (2016). Moreover, the discussion in this paper on the Scottish context illustrates how rights are unsettled and negotiated as a living process, which raises bigger questions about the process by which young people's political agency evolves and the complexities of citizenship. In January 2018, the Welsh Labour Party announced that it intended to extend the franchise to 16- and 17-year-olds in Welsh parliamentary and council elections. This is bound to put pressure on the UK government to extend the right to vote for all young people across the UK.

This empirical analysis highlights a number of important issues. First, we challenge the assumption that young people are politically disengaged, uninterested and lack the competence to engage in the debate on constitutional changes, and demonstrate how as active citizens they have undertaken political engagement in diverse ways. Second, young people practised citizenship through claiming and enacting the right to vote. Third, we demonstrate the ways in which young people mobilise sociality to negotiate rights and duties. They



became politically engaged through various performances of citizenship, including in and through new sites and spaces (spatiality) (e.g. online, school, playgrounds) and in terms of reflecting on what ‘doing politics’ entails for young people’s futures. Fourth, in terms of temporality, these aforementioned points more broadly provide important insights into living rights claims that came about due to particular circumstances in specific contexts and which ultimately were recognised permanently and formally after the referendum.

## Conclusion

This paper explores the right to vote for 16- and 17-year-olds in the lead up to the Scottish independence referendum through the idea of living rights. The right to vote is understood as a living right, due to its infancy, spatiality, temporality and sociality. Understanding living rights as performative alerts us to how rights claims are contextual, inseparable from the identity and political intersubjectivities of those making the claims as citizens. Indeed, the right to vote was a struggle over citizenship. In this respect, we gain an insight into how what might be described as ‘partial’ rights become ‘real’ rights through the various claims-making processes that simultaneously challenge, redefine and transform boundaries of citizenship. Moreover, the idea of living rights re-frames the way we think about rights, politics, young people and citizenship. First, it challenges the notion that young people are politically apathetic or uninterested in politics. Second, young people mobilise social relations – sociality – in complex ways and in diverse spaces, by making rights claims to overcome hardship and various disadvantages that they encounter economically, politically and socially. Third, at a time of austerity, growing hostility towards those considered to ‘outsiders’ (e.g. refugees, asylum seekers, foreigners, post-Brexit) and government-led proposals to repeal the Human Rights Act, the language of living rights may prove pivotal in protecting those who are most vulnerable ‘non-citizens’ in society.

## Notes

1. In this paper, we use the term ‘children’ and ‘young people’ interchangeably. This reflects the use of these terms in the academic and policy literature and various legal documents, but in all cases it refers to those below 18 years of age.
2. Education Scotland, ‘Curriculum for excellence’, CfE Briefing 14 (August 2013), accessed 16 March 2015, [http://www.educationscotland.gov.uk/images/cfebrieffing14\\_tcm4-813894.pdf](http://www.educationscotland.gov.uk/images/cfebrieffing14_tcm4-813894.pdf).

## Acknowledgements

We would like to thank Patrick Hayden whose insights proved invaluable for framing the paper. We would also like to thank Faye Donnelly who provided important feedback to an earlier draft of the paper. Many thanks to Kim Rygiel, Engin Isin and the three anonymous reviewers for their constructive feedback on earlier drafts.

## Disclosure statement

No potential conflict of interest was reported by the authors.

## Funding

This paper is based on research that was supported by the Arts and Humanities Research Council (AHRC) (AH/K000594/1).

## References

- Archard, D. 1993. *Children Rights & Childhood*. London: Routledge.
- Archard, D., and C. MacLeod. 2002. "Introduction." In *The Moral and Political Status of Children*, edited by D. Archard and C. MacLeod, 1–15. Oxford: Oxford University Press.
- Aries, P. 1962. *Centuries of Childhood*. London: Routledge.
- Balogopalan, S. 2013. "The Politics of Failure: Street Children and the Circulation of Rights Discourses in Kolkata." In *Reconceptualizing Children's Rights in International Development*, edited by K. Hanson and O. Nieuwenhuys, 133–151. Cambridge: Cambridge University Press.
- Benhabib, S. 2009. "Claiming Rights across Borders: International Human Rights and Democratic Sovereignty." *American Political Science Review* 103 (4): 691–704. doi:10.1017/S0003055409990244.
- Berdahl, D. 2005. "The Spirit of Capitalism and the Boundaries of Citizenship in Post-Wall Germany." *Comparative Studies in Society and History* 47 (2): 235–251. doi:10.1017/S0010417505000125.
- Bookman, S. 2014. "Brands and Urban Life: Speciality Coffee, Consumers, and the Co-Creation of Urban Café Sociality." *Space and Culture* 17 (1): 85–99. doi:10.1177/1206331213493853.
- Breeze, M., H. Gorrington, L. Jamieson, and M. Rose. 2017. "Becoming Independent: Political Participation and Youth Transitions in the Scottish Referendum." *The British Journal of Sociology* 68 (4): 754–774. doi:10.1111/1468-4446.12288.
- Breeze, M., H. Gorrington, L. Jamieson, and M. Rosie. 2015. "Everybody's Scottish at the End of the Day: Nationalism and Social Justice among Yes Voters." *Scottish Affairs* 24 (4): 419–431. doi:10.3366/scot.2015.0094.
- Coady, M. 2008. "Beings and Becomings: Historical and Philosophical Considerations of the Child as Citizen." In *Young Children as Active Citizens*, edited by G. M. Naughton, P. Hughes, and K. Smith, 2–14. Newcastle: Cambridge Scholars Publishing.
- Eichhorn, J. 2013. *Will 16 and 17 Year Olds Make a Difference in the Referendum?* Edinburgh: ScotCen Social Research.
- Eichhorn, J. 2014. "Newly Enfranchised Voters: Political Attitudes of under 18-Year-Olds in the Context of the Referendum on Scotland's Constitutional Future." *Scottish Affairs* 23 (3): 342–353. doi:10.3366/scot.2014.0033.
- Griesbach, D., L. Robertson, J. Waterton, and A. Birch. 2012. *Your Scotland, Your Referendum: An Analysis of Consultation Responses*. Edinburgh: Scottish Government.
- Hanson, K., and O. Nieuwenhuys. 2013. "Living Rights, Social Justice, Translations." In *Reconceptualizing Children's Rights in International Development*, edited by K. Hanson and O. Nieuwenhuys, 3–26. Cambridge: Cambridge University Press.
- Henderson, P. 2013. "Ukugana: 'Informal Marriages': And Children's Rights Discourse among Rural 'Aids-Orphans' in KwaZulu-Natal, South Africa." In *Reconceptualizing Children's Rights in International Development*, edited by K. Hanson and O. Nieuwenhuys, 29–47. Cambridge: Cambridge University Press.
- Henn, M., M. Weinstein, and S. Forrest. 2005. "Uninterested Youth? Young People's Attitudes Towards Party Politics in Britain." *Political Studies* 53 (3): 556–578. doi:10.1111/j.1467-9248.2005.00544.x.
- Henn, M., and N. Foard. 2012. "Young People, Political Participation and Trust in Britain." *Parliamentary Affairs* 65 (1): 47–67. doi:10.1093/pa/psr046.
- Human Rights Act 1989. Accessed June 12 2018. <https://www.legislation.gov.uk/ukpga/1998/42/contents>.
- Inis, E. 2017. "Performative Citizenship." In *The Oxford Handbook of Citizenship*, edited by A. Shachar, R. Bauböck, I. Bloemraad, and M. Vink, 500–523. Oxford: Oxford University Press.
- Kimberlee, R. 2002. "Why Don't British Young People Vote at General Elections?" *Journal of Youth Studies* 5 (1): 85–98. doi:10.1080/13676260120111788.

- Leith, M. 2008. "Scottish National Party Representations of Scottishness in Scotland." *Politics* 28 (2): 83–92. doi:10.1111/j.1467-9256.2008.00315.x.
- Lister, R. 2007. "Why Children: Where, When and How Children?" *Theoretical Inquiries in Law* 8 (2): 693–718. doi:10.2202/1565-3404.1165.
- Lister, R., N. Smith, S. Middleton, and L. Cox. 2003. "Young People Talk about Citizenship: Empirical Perspectives on Theoretical and Political Debates." *Citizenship Studies* 7 (2): 235–253. doi:10.1080/1362102032000065991.
- Marshall, T. H. 1992. "Citizenship and Social Class." In *Citizenship and Social Class*, edited by T. H. Marshall and T. Bottomore, 1–51. London: Pluto Press.
- McLaverly, P., G. Baxter, I. McLeod, E. Tait, A. Göker, and M. Heron. 2015. "New Radicals: Digital Political Engagement in Post-Referendum Scotland." In *Working Papers of Communities and Culture Network* +. Aberdeen: Robert Gordon University. Accessed June 15 2016. <https://openair.rgu.ac.uk/bitstream/handle/10059/1740/MCLAVERY%202015%20New%20radicals%20final%20report.pdf?sequence=4&isAllowed=y>
- Mizen, P., and Y. Ofosu-Kusi. 2013. "Seeing and Knowledge? Street Children's Lifeworlds through the Camera Lens." In *Reconceptualizing Children's Rights in International Development*, edited by K. Hanson and O. Nieuwenhuys, 48–70. Cambridge: Cambridge University Press.
- Morrow, V. 1991. "Conceptualising Social Capital in Relation to the Well-Being of Children and Young People: A Critical Review." *The Sociological Review* 21 (4–6): 37–63.
- Morrow, V. 2001. "Young People's Explanations and Experiences of Social Exclusion: Retrieving Bourdieu's Concept of Social Capital." *The International Journal of Sociology and Social Policy* 24: 1–24.
- Morton, R. 2011. "Class in a 'Classless' Society: The Paradox of Scottish Egalitarianism." *Scottish Affairs* 75: 83–99. doi:10.3366/scot.2011.0022.
- O'Neill, T. 2013. "Young Carpet Weavers on the Rights Threshold: Protection or Practical Self-Determination?" In *Reconceptualizing Children's Rights in International Development*, edited by K. Hanson and O. Nieuwenhuys, 93–114. Cambridge: Cambridge University Press.
- Pattie, C., P. Seyd, and P. Whiteley. 2004. *Citizenship in Britain: Values, Participation and Democracy*. Cambridge: Cambridge University Press.
- Rowse, T. 2011. "Debating the Categories of Remote Indigenous Sociality." *Alternatives: Global, Local, Political* 36 (1): 39–47. doi:10.1177/0304375411402013.
- Scottish Commission for Human Rights Act 2006. Last Accessed June 13 2018. [http://www.legislation.gov.uk/asp/2006/16/pdfs/asp\\_20060016\\_en.pdf](http://www.legislation.gov.uk/asp/2006/16/pdfs/asp_20060016_en.pdf)
- Scottish Parliament Information Centre (SPICe). 2013. *SPICe Briefings: Scottish Independence (Franchise) Bill*. Edinburgh: SPICe.
- Smith, N., R. Lister, S. Middleton, and L. Cox. 2007. "Young People as Real Citizens: Towards an Inclusionary Understanding of Citizenship." *Journal of Youth Studies* 8 (4): 425–443. doi:10.1080/13676260500431743.
- Social Mobility and Child Poverty Commission. 2015. *Elitist Scotland?* London: Social Mobility and Child Poverty Commission with the Hume Institute.
- Stasiulis, D. 2002. "The Active Child Citizen: Lessons from Canadian Policy and Children's Movement." *Citizenship Studies* 6 (4): 507–538. doi:10.1080/1362102022000041286.
- The Economist. 2015. "Votes for 16-Year-Olds – Ballots for Bairns." June 12. Accessed 12 January 2016. <http://www.economist.com/news/britain/21654091-scotland-set-lower-voting-age-and-others-may-follow-ballots-bairns>
- Theis, J. 2010. "Children as Active Citizens." In *A Handbook of Children and Young People's Participation*, edited by P. Percy-Smith and N. Thomas, 343–355. London: Routledge.
- United Nations Convention on the Rights of the Child 1989. Accessed June 13 2018. <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx>
- Zivi, K. 2012. *Rights Making Claims – A Practice of Democratic Citizenship*. Oxford: Oxford University Press.